

Attorney Docket No.: 0200109C2
Serial No.: 10/054,327

REMARKS

The present amendment is in response to the *Final* Office Action, dated November 30, 2004, where the Examiner has rejected claims 17-21, 27, 30, 31, 67-69 and 71-82, has objected to claims 28, 37-41 and 70, and has allowed claims 61-66 and 83-95. By the present amendment, claims 28 and 70 have been cancelled, and claims 17, 27, 37 and 71 have been amended. After the present amendment, claims 17-21, 27, 30-31, 37-41, 61-69 and 71-95 are pending in the application. Reconsideration and allowance of pending claims in view of the amendments and the following remarks are respectfully requested.

A. Objection to the Claim 37

The Examiner has objected to claim 37 for use of "one or more of said xDSL data frames". By the present amendment, applicants have amended claim 37 to provide an antecedent basis for "said one or more of xDSL data frames." Accordingly, applicants respectfully submit that the Examiner's objection has been overcome.

B. Rejection of Claims 17, 67, 69, 71-73, 78 and 82 under 35 U.S.C. § 102(e)

The Examiner has rejected claims 17, 67, 69, 71-73, 78 and 82 under 35 U.S.C. § 102(e) as being anticipated by Timm, et al. (USPN 6,055,268) (hereinafter "Timm"). Applicants respectfully disagree, but to expedite prosecution, applicants have amended independent claim 17 to include all of the limitations of dependent claim 70. Because the Examiner has found claim 70 allowable if rewritten in independent form, it is respectfully submitted that claim 17, as amended, is in condition for allowance. Claims 67 and 69 depend from claim 17 and should also be allowed.

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Independent claim 71 has also been amended to include limitations similar to those of claim 70. Applicants respectfully submit that claim 70 and its dependent claims 72-73, 78 and 82 should also be allowed.

C. Rejection of Claim 68 under 35 U.S.C. § 103(a)

The Examiner has rejected claim 68 under 35 U.S.C. § 103(a) as being unpatentable over Timm. Claim 68 depends from claim 17, and should be allowed at least for the same reasons stated in conjunction with patentability of claim 17.

D. Rejection of Claims 18-21, 74-77 and 79 under 35 U.S.C. § 103(a)

The Examiner has rejected claims 18-21, 74-77 and 79 under 35 U.S.C. § 103(a) as being unpatentable over Timm in view of Bae, et al. (USPN 5,832,387) ("Bae"). Claims 18-21 depend from claim 17, and should be allowed at least for the same reasons stated in conjunction with patentability of claim 17. Further, claims 74-77 and 79 depend from claim 71, and should be allowed at least for the same reasons stated in conjunction with patentability of claim 71.

E. Rejection of Claim 27 under 35 U.S.C. § 103(a)

The Examiner has rejected claim 27 under 35 U.S.C. § 103(a) as being unpatentable over Bingham, et al. (USPN 5,680,394) ("Bingham"). Applicants respectfully disagree, but to expedite prosecution, applicants have amended independent claim 27 to include all of the limitations of dependent claim 28. Because the Examiner has found claim 28 allowable if rewritten in independent form, it is respectfully submitted that claim 27, as amended, is in condition for allowance.

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F. Rejection of Claim 30 under 35 U.S.C. § 103(a)

The Examiner has rejected claim 30 under 35 U.S.C. § 103(a) as being unpatentable over Bingham in view of Leo, et al. (USPN 4,999,834) ("Leo"). Claim 30 depends from claim 27, and should be allowed at least for the same reasons stated in conjunction with patentability of claim 27.

G. Rejection of Claim 31 under 35 U.S.C. § 103(a)

The Examiner has rejected claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Bingham in view of the admitted prior art. Claim 31 depends from claim 27, and should be allowed at least for the same reasons stated in conjunction with patentability of claim 27.

H. Rejection of Claim 80 under 35 U.S.C. § 103(a)

The Examiner has rejected claim 80 under 35 U.S.C. § 103(a) as being unpatentable over Timm in view of the admitted prior art. Claim 80 depends from claim 71, and should be allowed at least for the same reasons stated in conjunction with patentability of claim 71.

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Serial No.: 10/054,327**I. Conclusion**

For all the foregoing reasons, an early allowance of claims 17-21, 27, 30-31, 37-41, 61-69 and 71-95 pending in the present application is respectfully requested. The Examiner is invited to contact the undersigned for any questions.

Respectfully Submitted;
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12/29/04
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